

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 722 of 2019

- Khel Kunwar Patel, W/o Trinath Patel Aged About 48 Years, R/o Village Tengapali, Tahsil Pusour, Taluka, Pusour, District-Raigarh, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station Pusour, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Amit Singh, Advocate.

For Respondent : Mr. Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

01/08/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending her arrest in connection with Crime No.62/2019 registered at Police Station- Pusour, District–Raigarh(C.G.), for the offence punishable under Section 304B/34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The applicant is a woman and there is no evidence that she had made demand of dowry from the deceased soon before her death in the case against her, therefore, it cannot be said that the applicant is responsible for the dowry death, hence, it is prayed that she may be enlarged on anticipatory bail.
3. Learned State counsel opposes bail application and submissions made in this respect. It is submitted that there are statement of

witnesses that deceased was subjected to torture for demand of dowry, therefore, application be rejected.

4. Heard both the parties and perused the case diary.
5. According to the prosecution case, deceased Rukmani Patel died within 7 years of her marriage in unnatural manner by hanging herself. In the inquest procedure, some witnesses made statement that the applicant was the person who used to make demand of additional gold jewelery from the deceased soon after the marriage. Hence, this case.
6. After considering on all the material present in the case diary, and in the dowry statement of the mother of the deceased there is no specific allegation has been made against this applicant, for this reason, I feel inclined to allow the application of this applicant.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make herself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha